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The Honorable Thomas S. Zilly */cc*
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MAY 23 2002 MR
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY
BY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al.,

Defendants.

No. CO1-1081-Z

DECLARATION OF ALVIN
LITTLE IN SUPPORT OF
SUMMARY JUDGMENT

CV 01-01081 #00000027

ALVIN LITTLE declares as follows:

1 I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein.

2. I am a sergeant with the Seattle Police Department's ("SPD") Community
Police Team. I have worked for the SPD for almost eighteen years.

3. On or about July 19, 1999, I was working as a patrol officer in the south
precinct. I was dispatched to assist Officer Waldorf in investigating a hit and run
accident. The victim of the accident had identified the license plate of the vehicle that
hit her, and a plate check had revealed that the owner's residence was located in my
jurisdiction, the south precinct, so I was asked to assist.

DECLARATION OF ALVIN LITTLE IN SUPPORT
OF SUMMARY JUDGMENT - 1

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STAFFORD FREY COOPER
Professional Corporation
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SEATTLE, WASHINGTON 98101-2621
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ORIGINAL

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1 4. When we arrived, we saw the suspect vehicle parked in the driveway the
2 residential address the plate check had revealed. The vehicle had marks on it that were
3 consistent with the accident as it had been described to me. For example, the damage
4 to the car was consistent with the accident described, there was vomit down the side of
5 the car, which was consistent with the victim's statement that she believed the driver
6 was intoxicated, and the license plates and vehicle matched the victim's description as
7 well. We approached the house and rang the doorbell

8 5. A gentleman, later identified as Muio Tran, answered the door. Officer
9 Waldorf asked if we could come in, and Mr. Tran invited us to do so. Mr. Tran indicated
10 that the car belonged to him. He denied knowing that the car had been in an accident.
11 Because he did not match the description of the driver, we asked Mr. Tran if he had a
12 son. When he said he did, Officer Waldorf asked if we could talk with him. A woman,
13 later identified as Kim-Cuc Nguyen, retrieved the son. While Officer Waldorf waited for
14 the son, Mr. Tran and I went outside to inspect the damage to the car. Mr. Tran
15 appeared to understand and to speak English

16 7. After we re-entered the house, Officer Waldorf and the suspect started to
17 go outside. They were about halfway to the door when Mr. Tran shouted out for the
18 suspect not to accompany Officer Waldorf outside. The suspect tensed in preparation
19 to flee or to strike us, and Officer Waldorf grabbed the suspect's arm and told him that
20 he was under arrest. I then saw the suspect hit Officer Waldorf, using his forearm to
21 strike Officer Waldorf in the chest. Mr. Tran then rushed Officer Waldorf and knocked
22 the officer back away from the suspect. Mr. Tran then grabbed my arms, further
23 interfering in his son's arrest. I pushed Mr. Tran back and tried to take control of the
suspect. The suspect punched me and kept trying to escape. I kept saying, "Calm
down! It's alright!" The suspect broke free, and he and Mr. Tran ran through the
kitchen into the dining area. Officer Waldorf and I pursued them.

DECLARATION OF ALVIN LITTLE IN SUPPORT
OF SUMMARY JUDGMENT - 2

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1 8 In the dining area, the suspect, Mr. Tran, Kim-Cuc Nguyen, and the
2 children all attacked us. Mr Tran was striking us with his hands. The kids were
3 throwing things at us. Ms. Nguyen jumped on our backs and was hitting us. The
4 suspect was also assaulting us. When I would get free from one of the individuals, I
5 would be attacked by the others. It was the same for Officer Waldorf. Whoever was not
6 attacking me at the time was attacking him or getting ready to attack one of us. Officer
7 Waldorf and I did what we could to protect ourselves and aid each other. Whenever I
8 could get free to help Officer Waldorf, I would. I could see that he was making the same
9 effort. I was not carrying any pepper spray, nor was Officer Waldorf.

10 9. I kept trying to detain these people with grappling techniques - mostly
11 because of their age and physical size. Rather than hit them, I would push or pull them
12 away from me or Officer Waldorf and try to subdue them. I did not want to use the force
13 I was capable of for fear of seriously injuring them. Officer Waldorf kept shouting for
14 everyone to calm down. I did too, but no one did. Officer Waldorf called for back up,
15 but no one came. I called for fast back up.

16 10. At one point, the suspect ran through the dining room into the kitchen,
17 where the door was located. Officer Waldorf followed him. Mr. Tran, Ms. Nugyen, and
18 the children continued to attack me. Because Mr. Tran was the largest of my assailants,
19 I focused my efforts on detaining him. However, he was so slick with sweat I couldn't
20 get a good hold of him to do so. He was increasingly violent. He slammed me into a
21 window, causing it to shatter. I felt my body bounce off of the screen and we both fell to
22 the floor. I placed Mr. Tran into a bear hug and attempted to hold him down. Kim-Cuc
23 Nguyen ran over to me yelling and screaming and grabbed my arms and shirt. I pushed
her back, but she got up and attempted to extricate Mr. Tran. I was in a sitting position
on the floor and had a tough time keeping her back.

DECLARATION OF ALVIN LITTLE IN SUPPORT
OF SUMMARY JUDGMENT - 3

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1 11. Right about that time, back up arrived. Ms. Nguyen and Mr. Tran also
2 attacked them. I had to pull Ms. Nguyen off of one other officer's back. I was then able
3 to handcuff her.

4 12. Outside of the paperwork, my involvement with plaintiffs basically ended at
5 that point. I do know that Kim-Cuc Nguyen and Muio Tran were taken into custody and
6 charged with assault. I believe that the children were left with relatives who were
7 waiting outside the house. I was not seriously injured by the plaintiffs, but did sustain
8 multiple cuts and scratches.

9 13. I do not believe that the plaintiffs suffered any serious injuries either. They
10 did not appear to be injured, they did not complain of any injuries, and they did not
11 request medical assistance. If any property was damaged, it was plaintiffs who caused
12 it, either by breaking it themselves, or by forcing us to defend against their assaults. In
13 trying to defend myself and, when I could, Officer Waldorf, I used the least amount of
14 force possible, even though I believe the circumstances justified my using a greater
15 amount of force.

16 14. I believe that I acted reasonably under the facts and circumstances known
17 to me at the time of this incident.

18 I CERTIFY under penalty of perjury under the laws of Washington State that the
19 foregoing is true and correct.

20 DATED this 14 day of APRIL, 2002.

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22 
23 Alvin Little

DECLARATION OF ALVIN LITTLE IN SUPPORT
OF SUMMARY JUDGMENT - 4

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The Honorable Thomas S. Kelly
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AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON
DEPUTY
BY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v

CITY OF SEATTLE, et al ,

Defendants.

No. CO1-1081-Z

DECLARATION OF KIRK
WALDORF IN SUPPORT OF
SUMMARY JUDGMENT

KIRK WALDORF declares as follows:

1 I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein

2. I am a patrol officer with the Seattle Police Department ("SPD"). I have
worked for the SPD for almost five years.

3. On or about July 19, 1999, I was working as a patrol officer in the south
precinct. I was dispatched to investigate a hit and run accident. The victim of the
accident described the accident, the vehicle, the driver, and also was able to give me

DECLARATION OF KIRK WALDORF IN
SUPPORT OF SUMMARY JUDGMENT - 1

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1 the vehicle's license plate number. She told me she believed the driver to be a young
2 Asian male in his late teens or early twenties and that she thought he was intoxicated.

3 4. I ran a plate check on the license plate number she gave me and located
4 the residential address of the registered owner of the car. The address was in South
5 Seattle. I decided to go there to continue my investigation and to obtain the insurance
6 information of the driver. Because the residence was located in South Seattle, I asked
7 for someone from the south precinct to assist me. Officer Little responded to the
8 dispatch.

9 5 When we arrived at the residence, we saw the suspect vehicle parked in
10 the driveway. The vehicle had marks on it that were consistent with the accident as the
11 victim described it. For example, the damage to the car was consistent with the
12 accident described, there was vomit down the side of the car, which was consistent with
13 the victim's statement that she believed the driver was intoxicated, and the license
14 plates and vehicle also matched the victim's description. Officer Little and I approached
15 the house and rang the doorbell

16 6 A gentleman, later identified as Muio Tran, answered the door. I asked if
17 we could come in, and Mr. Tran invited us to do so. Mr. Tran indicated that the car
18 belonged to him. He denied knowing that the car had been in an accident. Because
19 he did not match the description of the driver, we asked Mr. Tran if he had a son. When
20 he said he did, I asked if we could talk with him. A woman, later identified as Kim-Cuc
21 Nguyen, retrieved the son. While I was waiting to talk to the son, Officer Little and Mr.
22 Tran went outside to inspect the damage to the car.

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DECLARATION OF KIRK WALDORF IN
SUPPORT OF SUMMARY JUDGMENT - 2

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1 7 When the son came downstairs, I noted that he matched the description of
2 the driver: an Asian male in his late teens/early twenties who appeared to be
3 intoxicated. I asked the suspect if he had been driving recently and if he had been in an
4 accident. He smelled of alcohol. The suspect initially denied the same, but later
5 admitted that he had been driving. I asked him to come outside with me to inspect the
6 car. Both he and Mr. Tran appeared to understand and to speak English.

7 8. The suspect and I were about half-way to the door when Mr. Tran came in
8 to the residence with Officer Little. Mr. Tran ordered the suspect not to go outside with
9 me. The suspect tensed in preparation to flee or assault me, so I grabbed the suspect's
10 arm and told him that he was under arrest. Mr. Tran then rushed towards me and he
11 struck me in the chest with his forearm. The suspect broke free and both he and Mr.
12 Tran ran through the kitchen into the dining area. Officer Little and I pursued them.

13 9. In the dining area, the suspect, Mr. Tran, Kim-Cuc Nguyen, and the
14 children all attacked us. Mr. Tran was striking us. The children were throwing things at
15 us. Ms. Nguyen jumped on our backs and was hitting us. The suspect was also
16 assaulting us. When I would get free of one, I would be attacked by the others. It was
17 the same for Officer Little. Whoever was not attacking me at the time was attacking him
18 or getting ready to attack one of us. Officer Little and I did what we could to protect
19 ourselves and aid each other. Whenever I could get free to help Officer Little I would,
20 and I could see that he was making the same effort. I was not carrying any pepper
21 spray, nor was Officer Little.

22 10 I kept trying to detain these people with grappling techniques - mostly
23 because of their age and physical size. Rather than hit them, I would push or pull them

DECLARATION OF KIRK WALDORF IN
SUPPORT OF SUMMARY JUDGMENT - 3

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1 away from me or Officer Little and try to subdue them. I did not want to use the force I
2 was capable of for fear of seriously injuring them. I kept shouting for everyone to calm
3 down. No one did. I called for back up, but no one came. I later learned that the
4 dispatch operator could not hear me and so she sent everyone to the West Seattle
5 location of the hit and run, not to the South Seattle address where we actually were. I
6 also called for fast back up

7 11. At one point, the son ran through the dining room into the kitchen, where
8 the door was located. I followed him. When I got to the kitchen, he was standing there
9 with a chair raised over his head. I believe that he intended to slam the chair onto my
10 head. I tackled him to the floor. We struggled until I was able to wrap my arms around
11 his chest, pinning his arms to his side. Even then he continued to struggle. He kept
12 trying to kick me. In doing so, he kicked the glass out of the oven door. All the while I
13 could hear Officer Little struggling with the others in the next room. Right about that
14 time, back up arrived and helped us to subdue the plaintiffs

15 12. Outside of the paperwork, my involvement with plaintiffs basically ended at
16 that point. I do know that Kim-Cuc Nguyen and Muio Tran were arrested and taken into
17 custody. I believe that the children were left with relatives who were waiting outside the
18 house. I was not seriously injured by the plaintiffs, but did sustain multiple cuts and
19 scratches

20 13. I do not believe that the plaintiffs suffered any serious injuries either. They
21 did not appear to be injured, they did not complain of any injuries, and they did not
22 request medical assistance. If any property was damaged, it was plaintiffs who caused
23 it, either by breaking it themselves, or by forcing us to defend against their assaults. In

DECLARATION OF KIRK WALDORF IN
SUPPORT OF SUMMARY JUDGMENT - 4

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1 trying to defend myself and, when I could, Officer Little, I used the least amount of force
2 possible, even though I believe the circumstances justified my using a greater amount
3 of force.

4 14. I believe that I acted reasonably under the facts and circumstances known
5 to me at the time of this incident.

6 I CERTIFY under penalty of perjury under the laws of Washington State that the
7 foregoing is true and correct.

8 DATED this 30 day of April, 2002.

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11 Kirk Waldorf
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DECLARATION OF KIRK WALDORF IN
SUPPORT OF SUMMARY JUDGMENT - 6

ENCLOSURE 6/26/01 P. 02/0009 FEDERAL FLEADING WALDORF DECLARATION 0001.000

STAFFORD FREY COOPER

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The Honorable Thomas S. Zilly

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MAY 23 2002 MR
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v

CITY OF SEATTLE, et al ,

Defendants

No. CO1-1081-Z

DECLARATION OF JOHN S.
VRADENBURG IN SUPPORT OF
SUMMARY JUDGMENT

JOHN S. VRADENBURG declares as follows

1. I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein.

2. I am a police officer with the Seattle Police Department and was so on
July 19, 1999.

3. On July 19, 1999, I received a call for fast back up. I notified dispatch that
I was on my way to the officers' location, 5101 South Orchard Street Prior to arriving
to the scene, dispatch informed me that my assistance was no longer needed. I did not

DECLARATION OF JOHN S. VRADENBURG IN
SUPPORT OF SUMMARY JUDGMENT - 1

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1 arrive at the address where the officers calling for help were located, but instead
2 returned to my regular duties

3 4. I was not involved in the incident underlying this complaint in any way. To
4 my knowledge, I have never met Muio Tran, Kim-Cuc Nguyen, Nhu Huu Tran, or Loan
5 Huu Tran, nor have I had any other contact with them, individually or collectively. Other
6 than what I have heard through the grapevine, I know nothing about this case.

7 I CERTIFY under penalty of perjury under the laws of Washington State that the
8 foregoing is true and correct.

9 DATED this _____ day of _____, 2002.

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12 John S. Vradenburg
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DECLARATION OF JOHN S. VRADENBURG IN
SUPPORT OF SUMMARY JUDGMENT - 2

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1 arrive at the address where the officers calling for help were located, but instead
2 returned to my regular duties.

3 4. I was not involved in the incident underlying this complaint in any way. To
4 my knowledge, I have never met Muio Tran, Kim-Cuc Nguyen, Nhu Huu Tran, or Loan
5 Huu Tran, nor have I had any other contact with them, individually or collectively. Other
6 than what I have heard through the grapevine, I know nothing about this case.

7 I CERTIFY under penalty of perjury under the laws of Washington State that the
8 foregoing is true and correct.

9 DATED this 5TH day of APRIL, 2002.

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12 John S. Vradenburg
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DECLARATION OF JOHN S. VRADENBURG IN
SUPPORT OF SUMMARY JUDGMENT - 2

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The Honorable Thomas S. Zilly

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MAY 23 2002 MR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al ,

Defendants.

No. CO1-1081-Z

DECLARATION OF NICHOLUS
BAUER IN SUPPORT OF
SUMMARY JUDGMENT

NICHOLUS BAUER declares as follows:

1. I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein.

2 I am a police officer with the Seattle Police Department and was so on
July 19, 1999.

3 On July 19, 1999, I received a call for fast back up. I notified dispatch that
I was on my way to the officers' location at 5101 South Orchard Street. When I was
about a half block from the scene I was advised by dispatch that my assistance was no

DECLARATION OF NICHOLUS BAUER IN
SUPPORT OF SUMMARY JUDGMENT - 1

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ORIGINAL

longer needed. I drove by the scene and noticed a number of police vehicles in the vicinity. I then returned to my regular duties.

I was not involved in the incident underlying this complaint in any way. To my knowledge, I have never met Muio Tran, Kim-Cuc Nguyen, Nhu Huu Tran, or Loan Huu Tran, nor have I had any other contact with them, individually or collectively. Other than what I have heard through the grapevine, I know nothing about this case.

I CERTIFY under penalty of perjury under the laws of Washington State that the foregoing is true and correct.

DATED this 27 day of APRIL, 2002.


Nicholas Bauer

DECLARATION OF NICHOLUS BAUER IN
SUPPORT OF SUMMARY JUDGMENT - 2

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The Honorable Thomas S. Zilly

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MAY 23 2002 MR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al ,

Defendants.

No. CO1-1081-Z

DECLARATION OF ROBERT E.
WHITE IN SUPPORT OF
SUMMARY JUDGMENT

ROBERT E. WHITE declares as follows.

1 I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein

2 I am a police officer with the Seattle Police Department and was working
in my capacity as such on July 19, 1999.

3 On July 19, 1999, I received a call for fast back up I notified dispatch that
I was on my way. As I arrived, I noticed that several police vehicles lined the street of
the address where I was to respond Right about that time, I received a call over the
radio that the officers had everything under control and that my assistance was no

DECLARATION OF ROBERT E. WHITE IN
SUPPORT OF SUMMARY JUDGMENT - 1

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ORIGINAL

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206-624-6885

STAFFORD FREY COOPER

PAGE 03

1 longer needed I never got out of my vehicle I did not write a statement. I never saw
2 the people that were arrested.

3 4 I was not involved in the incident underlying this complaint in any way To
4 my knowledge, I have never met Muo Tran, Kim-Cuc Nguyen, Nhu Huu Tran, or Loan
5 Huu Tran, nor have I had any other contact with them, individually or collectively Other
6 than what I have heard through the grapevine, I know nothing about this case

7 I CERTIFY under penalty of perjury under the laws of Washington State that the
8 foregoing is true and correct

9 DATED this 3RD day of APRIL 4, 2002

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12 Robert E White

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DECLARATION OF ROBERT E WHITE IN
SUPPORT OF SUMMARY JUDGMENT - 2

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STAFFORD FREY COOPER

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The Honorable Thomas S. Zilly

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MAY 23 2002 MR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v

CITY OF SEATTLE, et al.,

Defendants.

No CO1-1081-Z

DECLARATION OF ROBERTO
SABAY IN SUPPORT OF
SUMMARY JUDGMENT

ROBERTO SABAY declares as follows:

1. I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein

2. I am a police officer with the Seattle Police Department and was so on
July 19, 1999

3. On July 19, 1999, I was on patrol on the west side of Seattle when I
received a call for fast back up I notified dispatch that I was on my way to the officers'
location at 5101 South Orchard Street. When I arrived at the scene I was informed by

DECLARATION OF ROBERTO SABAY IN
SUPPORT OF SUMMARY JUDGMENT - 1

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ORIGINAL

1 dispatch that my assistance was no longer needed. I did not remain at the scene and
2 returned to my regular duties in West Seattle.

3 4. I was not involved in the incident underlying this complaint in any way. To
4 my knowledge, I have never met Mulo Tran, Kim-Cuc Nguyen, Nhu Huu Tran, or Loan
5 Huu Tran, nor have I had any other contact with them, individually or collectively. Other
6 than what I have heard through the grapevine, I know nothing about this case.

7 I CERTIFY under penalty of perjury under the laws of Washington State that the
8 foregoing is true and correct.

9 DATED this 17 day of MAY, 2002.

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11 Roberto Sabay

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DECLARATION OF ROBERTO SABAY IN
SUPPORT OF SUMMARY JUDGMENT - 2

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The Honorable Thomas S. Zilly

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MAY 23 2002 MR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v

CITY OF SEATTLE, et al ,

Defendants.

No. CO1-1081-Z

DECLARATION OF EUGENE
FOSTER IN SUPPORT OF
SUMMARY JUDGMENT

EUGENE FOSTER declares as follows:

1. I make this declaration on the basis of personal knowledge and am competent to testify to the matters herein.

2. I am a police officer with the Seattle Police Department and was so on July 19, 1999.

3. On July 19, 1999, I was working with Michael Griffin when we received calls for fast back up from Officers Little and Waldorf. We notified dispatch that we were on our way to their location. Prior to arriving to the scene, dispatch informed us that

DECLARATION OF EUGENE FOSTER IN
SUPPORT OF SUMMARY JUDGMENT. 1

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ATTORNEYS

2500 RAINIER TOWER
1301 FIFTH AVENUE
SEATTLE, WASHINGTON 98101-2621
TEL. (206) 623-9900

ORIGINAL

our assistance was no longer needed. Neither Officer Griffin nor I ever arrived to assist the officers calling for help. Instead, we returned to our regular duties.

4. I was not involved in the incident underlying this complaint in any way. To my knowledge, I have never met Muio Tran, Kim-Cuc Nguyen, Nhu Huu Tran, or Loan Huu Tran, nor have I had any other contact with them, individually or collectively. Other than what I have heard through the grapevine, I know nothing about this case.

I CERTIFY under penalty of perjury under the laws of Washington State that the foregoing is true and correct.

DATED this 14TH day of APRIL, 2002.


Eugene Foster

DECLARATION OF EUGENE FOSTER IN
SUPPORT OF SUMMARY JUDGMENT. 2

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STAFFORD FREY COOPER
Attorneys
2500 RANGER TOWER
1901 FIFTH AVENUE
SEATTLE, WASHINGTON 98101-2821
Tel. (206) 623-9900

The Honorable Thomas S. Zilly

FILED ENTERED
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MAY 23 2002 MR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al.,

Defendants

No CO1-1081-Z

DECLARATION OF MICHAEL R
GRIFFIN IN SUPPORT OF
SUMMARY JUDGMENT

MICHAEL R. GRIFFIN declares as follows:

1. I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein

2. I am a police officer with the Seattle Police Department and was so on
July 19, 1999.

3. On July 19, 1999, I was working with Eugene Foster when we received
calls for fast back up from Officers Little and Waldorf. We notified dispatch that we were
on our way to the officers' location, 5101 South Orchard Street. Prior to arriving to the
scene, dispatch informed us that our assistance was no longer needed. Neither Officer

DECLARATION OF MICHAEL R. GRIFFIN IN
SUPPORT OF SUMMARY JUDGMENT - 1

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1 Foster nor I ever arrived to assist the officers calling for help. Instead, we returned to
2 our regular duties.

3 4. I was not involved in the incident underlying this complaint in any way. To
4 my knowledge, I have never met Muio Tran, Kim-Cuc Nguyen, Nhu Huu Tran, or Loan
5 Huu Tran, nor have I had any other contact with them, individually or collectively. Other
6 than what I have heard through the grapevine, I know nothing about this case.

7 I CERTIFY under penalty of perjury under the laws of Washington State that the
8 foregoing is true and correct.

9 DATED this 14 day of APRIL, 2002.

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12 Michael R. Griffin

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DECLARATION OF MICHAEL R. GRIFFIN IN
SUPPORT OF SUMMARY JUDGMENT - 2

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MAY 23 2002 MR
AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al.,

Defendants.

No. CO1-1081-Z

DECLARATION OF DANIEL
BESTE IN SUPPORT OF
SUMMARY JUDGMENT

DANIEL J. BESTE declares as follows:

1. I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein

2. I am a sergeant with the Seattle Police Department and was so on July
19, 1999.

3. On July 19, 1999, I received two calls for fast back up from Officers Little
and Waldorf. Over the radio, I could hear a tremendous amount of yelling and
screaming. I notified dispatch that I was on my way to the officers' location at 5101
South Orchard Street.

DECLARATION OF DANIEL BESTE IN SUPPORT
OF SUMMARY JUDGMENT - 1

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1 4. By the time I arrived, the plaintiffs and Hoa Tran were all handcuffed. I
2 discussed the situation with my officers. I learned that Mr. Tran and Ms. Nguyen and
3 Hoa Tran attacked the officers, resisted arrest, interfered with the officers' attempts to
4 make arrests, and violently assaulted the officers. Based on the information I learned, I
5 made the decision that the plaintiffs should be sent to jail.

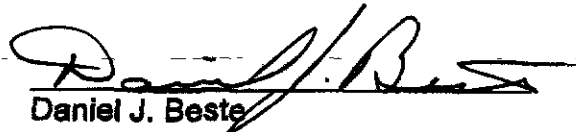
6 5. Upon making that decision, I discussed the situation with members of the
7 Tran family who were also present at the house. I found an adult family member of
8 suitable age and discretion to take custody of the minor children, Nhu Huu Tran and
9 Loan Huu Tran.

10 6. I was not involved in the incident underlying this complaint in any other
11 way.

12 7. I firmly believe that I acted reasonably under the facts and circumstances
13 known to me at the time of this incident.

14 I CERTIFY under penalty of perjury under the laws of Washington State that the
15 foregoing is true and correct.

16 DATED this 17 day of APRIL, 2002.

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19 Daniel J. Beste

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DECLARATION OF DANIEL BESTE IN SUPPORT
OF SUMMARY JUDGMENT - 2

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STAFFORD FREY COOPER
Attorneys
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1301 FIFTH AVENUE
SEATTLE, WASHINGTON 98101-2621
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The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v

CITY OF SEATTLE, et al ,

Defendants.

No. CO1-1081-Z

DECLARATION OF KENNETH
HICKS IN SUPPORT OF
SUMMARY JUDGMENT

KENNETH HICKS declares as follows:

1. I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein.

2. I am sergeant with the Seattle Police Department as I was on July 19,
1999.

3. On July 19, 1999, I received a call for fast back up. I notified dispatch that
I was on my way to the officers' location at 5101 South Orchard Street. I was
approaching the location from west of the freeway. By the time I arrived, the officers at
the scene had the situation under control. I then returned to my regular duties.

DECLARATION OF KENNETH HICKS IN
SUPPORT OF SUMMARY JUDGMENT

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ORIGINAL

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4 To my knowledge, I have never met Muio Tran, Kim-Cuc Nguyen, Nhu
Huu Tran, or Loan Huu Tran, nor have I had any other contact with them, individually or
collectively.

5. My sole involvement with this case is that I screened the arrest of Kim-Cuc Nguyen and Muio Tran. In doing so, I reviewed the incident report and the officers' statements.

I CERTIFY under penalty of perjury under the laws of Washington State that the foregoing is true and correct.

DATED this 26th day of APRIL, 2002, at Bremerton, Washington.


KENNETH HICKS

DECLARATION OF KENNETH HICKS IN
SUPPORT OF SUMMARY JUDGMENT - 2

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STAFFORD FREY COOPER

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The Honorable Thomas S. Zilly

MAY 23 2002 MR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v

CITY OF SEATTLE, et al.,

Defendants.

No. CO1-1081-Z

DECLARATION OF TRUNG
NGUYEN IN SUPPORT OF
SUMMARY JUDGMENT

TRUNG H NGUYEN declares as follows:

1. I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein.

2. I am a police officer with the Seattle Police Department and was so on
July 19, 1999.

3 I have absolutely no recollection of ever providing back up or otherwise
investigating any crime at 5101 South Orchard Street on July 19, 1999 Nor do I believe
I otherwise participated in the events underlying plaintiffs' complaint. Having reviewed
the incident reports, I am fairly certain I never arrived to 5101 South Orchard Street on

DECLARATION OF TRUNG NGUYEN IN
SUPPORT OF SUMMARY JUDGMENT - 1

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ORIGINAL

1 July 19, 1999. First, the documents do not reflect my alleged participation. Second, I
2 am quite certain that I would have remembered this incident if I had participated. It is
3 not a common occurrence to have a Vietnamese family attack police officers.
4 Furthermore, I am also Vietnamese and believe the incident would have stuck in my
5 mind for that reason. Based on my inability to recollect the incident, I am relatively
6 certain that I was not in any way involved.

7 4. To my knowledge, I have never met Muio Tran, Kim-Cuc Nguyen, Nhu
8 Huu Tran, or Loan Huu Tran, nor have I had any other contact with them, individually or
9 collectively. Other than what I have heard through the grapevine, I know nothing about
10 this case.

11 I CERTIFY under penalty of perjury under the laws of Washington State that the
12 foregoing is true and correct.

13 DATED this 21st day of APRIL, 2002.

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16 Trung H. Nguyen

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DECLARATION OF TRUNG NGUYEN IN
SUPPORT OF SUMMARY JUDGMENT. 2

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MAY 23 2002 MR

The Honorable Thomas S. Zilly

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al.,

Defendants.

No. CO1-1081-Z

DECLARATION OF ROBERT R
CIERLEY IN SUPPORT OF
SUMMARY JUDGMENT

ROBERT R. CIERLEY declares as follows

1. I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein

2. I am a police officer with the Seattle Police Department and was so on
July 19, 1999

3 On July 19, 1999, I received a call for fast back up and was directed to go
to 5101 South Orchard Street I notified dispatch that I was on my way.

4 When I entered the residence, I saw Officer Little lying on his back
breathing heavily I initially thought that Officer Little had been shot or stabbed Officer

DECLARATION OF ROBERT R CIERLEY IN
SUPPORT OF SUMMARY JUDGMENT - 1

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ORIGINAL

1 Sausman was struggling next to Officer Little with a heavy Asian male, later identified as
2 Muio Tran. In another room, two other officers were struggling on the floor with an
3 Asian male, later identified as Hoa Tran. I observed broken glass on the floor. Pieces
4 of furniture were overturned, and I saw household items strewn throughout the room.

5 5 I assisted Officer Sausman in attempting to gain control of Muio Tran. I
6 verbally instructed Muio Tran to quit resisting, and attempted to stabilize his arm so that
7 we could get handcuffs on him. As we were struggling with Muio Tran, an Asian
8 female, later identified as Kim-Cuc Nguyen, attacked Officer Sausman. I observed Ms
9 Nguyen kick Officer Sausman, I also noticed that Ms. Nguyen held what appeared to be
10 a leg to a chair or small table in one of her hands. Muio Tran was really slippery with
11 perspiration, and it was difficult to hold onto him. He managed to pull his arm away
12 from me and to strike out at the other officers. I had to use a small degree of force to
13 restrain him in an attempt to make him comply, but he continued to resist. He also
14 continued to kick out at us. Another officer arrived and grabbed Muio Tran's arm and I
15 helped the officer keep his hold on Muio Tran while I placed a handcuff on Muio Tran's
16 right wrist. We were unable to cuff his left hand at this time.

17 6. As someone administered pepper spray, I turned to assist Officer Little off
18 of the ground. Although Muio Tran had been sprayed, he continued to resist and fight
19 the officers. I turned toward Muio Tran and again commanded him to stop fighting and
20 used a small degree of force to attempt to subdue him. In doing so, I was exposed to
21 the pepper spray and had to leave. Before leaving, I assisted Officer Little up off the
22 ground and took him out of the residence. When I reentered, Hoa Tran had been
23 handcuffed and I escorted him outside to awaiting officers. Officers placed Muio Tran

DECLARATION OF ROBERT R. CIERLEY IN
SUPPORT OF SUMMARY JUDGMENT - 2

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Professional Corporation

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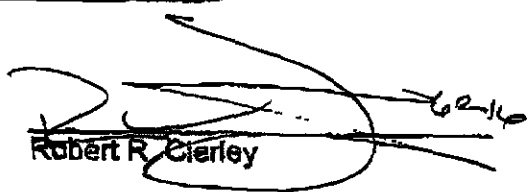
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1301 FIFTH AVENUE
SEATTLE, WASHINGTON 98101-2621
TEL. (206) 623-9900

1 into my vehicle and I transported him to the South Precinct. I had no further
2 involvement with the plaintiffs or Hoa Tran.

3 7. In trying to defend myself and my fellow officers and in trying to subdue
4 Mr. Tran, I used the least amount of force necessary, even though I believe the
5 circumstances justified my using a greater amount of force. I believe that I acted
6 reasonably under the facts and circumstances known to me at the time of this incident.

7
8 I CERTIFY under penalty of perjury under the laws of Washington State that the
9 foregoing is true and correct.

10 DATED this 21 day of MAY, 2002.

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13 Robert R. Cierley

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**DECLARATION OF ROBERT R. CIERLEY IN
SUPPORT OF SUMMARY JUDGMENT - 3**

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ATTORNEYS
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FILED ENTERED
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MAY 23 2002 MR
AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al.,

Defendants.

No. CO1-1081-Z

DECLARATION OF KATHLEEN
GRAVES IN SUPPORT OF
SUMMARY JUDGMENT

KATHLEEN A. GRAVES declares as follows:

1. I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein.

2 I am a police officer with the Seattle Police Department and was so on
July 19, 1999.

3 On July 19, 1999, I received a call for fast back up. I notified dispatch that
I was on my way to the officers' location, 5101 South Orchard Street Prior to arriving
to the scene, dispatch informed me that my assistance was no longer needed I did not

DECLARATION OF KATHLEEN GRAVES IN
SUPPORT OF SUMMARY JUDGMENT - 1

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ORIGINAL

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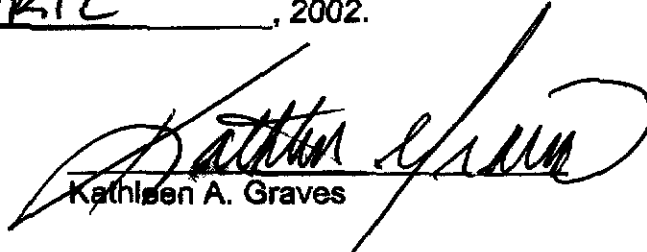
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1 arrive at the address where the officers calling for help were located, but instead
2 returned to my regular duties.

3 4. I was not involved in the incident underlying this complaint in any way. To
4 my knowledge, I have never met Muio Tran, Kim-Cuc Nguyen, Nhu Huu Tran, or Loan
5 Huu Tran, nor have I had any other contact with them, individually or collectively. Other
6 than what I have heard through the grapevine, I know nothing about this case.

7 I CERTIFY under penalty of perjury under the laws of Washington State that the
8 foregoing is true and correct.

9 DATED this 7 day of APRIL, 2002.

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12 Kathleen A. Graves
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DECLARATION OF KATHLEEN GRAVES IN
SUPPORT OF SUMMARY JUDGMENT - 2

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The Honorable Thomas S. Zilly

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MAY 23 2002 MR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al.,

Defendants.

No. CO1-1081-Z

DECLARATION OF AARON
SAUSMAN IN SUPPORT OF
SUMMARY JUDGMENT

AARON SAUSMAN declares as follows:

1 I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein.

2. I am a police officer with the Seattle Police Department and was so on
July 19, 1999

3. On July 19, 1999, I was working as a uniformed officer and in a parked
patrol unit with my partner, Officer Todd Harris. We received a "Help the Officer" call,
and were directed to go to 5101 South Orchard Street. We notified dispatch that we
were on our way to the officers' location

DECLARATION OF AARON SAUSMAN IN
SUPPORT OF SUMMARY JUDGMENT

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1 4 Officer Harris was driving. He came to a stop at the intersection of Rainier
2 and Orchard, and I exited the vehicle at. From there, I could hear yelling screaming,
3 and the sound of items breaking coming from the house. I ran up the street toward the
4 residence, where the disturbance continued. When I entered the door, I observed
5 Officer Little and a large Asian male, later identified as Muio Tran, up against the
6 northern window and ground. I observed that the room was damaged, and that there
7 was broken glass on the floor.

8 5 I ran toward Officer Little to help him. I was able to pull Mr. Tran off of
9 Officer Little and to push Mr. Tran to the ground. I positioned myself on top of Mr. Tran
10 so that I could place handcuffs on his wrists and I instructed him to put his hands behind
11 his back and to stop fighting. Mr. Tran refused to comply and he continued to struggle.
12 Mr. Tran pulled away from me, rolled on the ground and kicked at me with his legs. I
13 continued trying to subdue him and again told him to put his hands behind his back and
14 to stop struggling.

15 6. While I was struggling with Mr. Tran, an Asian female, later identified as
16 Kim Cuc-Nguyen, jumped on me and began yelling. I used my hands to push her away
17 from me and to stop her from interfering with my attempts to subdue Mr. Tran.

18 7. After I was able to push Ms. Nguyen away, I told Mr. Tran a third time to
19 stop struggling and to put his hands behind his back. When he again refused and
20 continued to struggle, I was forced to spray him with pepper spray, which had little effect
21 on Mr. Tran. I was able to handcuff one of his wrists, but we continued to struggle.
22
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DECLARATION OF AARON SAUSMAN IN
SUPPORT OF SUMMARY JUDGMENT - 2

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1 8. Around this time, other officers had arrived and were able to assist me,
2 and I was able to handcuff Mr. Tran's other wrist. After he was handcuffed, Mr. Tran
3 continued to refuse to cooperate, so I helped to carry him to the patrol car.

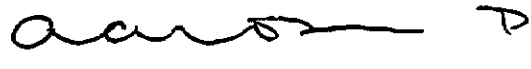

4 9. At the precinct, I asked Mr. Tran if he was injured. Mr. Tran informed me
5 that only his eyes were hurt from the pepper spray. I helped Mr. Tran wash out his eyes
6 and face. He did not complain of any further injury. Other than scratches on his left
7 shoulder and chest, I observed no other injuries on Mr. Tran.

8 10. I sustained scratches on the inside of both my right and left forearms, but I
9 received no other significant injuries.

10 11. In my efforts to defend myself and the other officers, I used the least
11 amount of force possible, even though I believe that circumstances justified my using a
12 greater amount of force. I believe that I acted reasonably under the facts and
13 circumstances known to me at the time of this incident.

14 I CERTIFY under penalty of perjury under the laws of Washington State that the
15 foregoing is true and correct.

16 DATED this 11TH day of MAY, 2002.

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19 Aaron Sausman #6089

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**DECLARATION OF AARON SAUSMAN IN
SUPPORT OF SUMMARY JUDGMENT - 3**

\\CART\DATA\ALIEN\F301\F2200\FEDERAL FL\BACW\SAUSMAN DECL.DOC

STAFFORD FREY COOPER
Registered Corporation

ATTORNEYS
2500 RAINIER TOWER
1301 FIFTH AVENUE
SEATTLE, WASHINGTON 98101-2621
TEL (206) 523-9900
FAX (206) 524-6885

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____ LODGED ____ RECEIVED

The Honorable Thomas S. Zilly

MAY 23 2002 MR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al.,

Defendants.

No. CO1-1081-Z

DECLARATION OF TODD C.
HARRIS IN SUPPORT OF
SUMMARY JUDGMENT

TODD C HARRIS declares as follows:

1 I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein.

2 I am a police officer with the Seattle Police Department and was so on
July 19, 1999.

3 On July 19, 1999, I was working as a uniformed officer and in marked
patrol unit with my partner, Officer Aaron Sausman. We received a "Help the Officer"
call, and were directed to go to 5101 South Orchard Street. We notified dispatch that
we were on our way.

DECLARATION OF TODD C. HARRIS IN
SUPPORT OF SUMMARY JUDGMENT. 1

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STAFFORD FREY COOPER
Professional Corporation

ATTORNEYS
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1301 FIFTH AVENUE
SEATTLE, WASHINGTON 98101-2621
TEL. (206) 623-9900

ORIGINAL

1 4. I was driving. When we reached the intersection of Rainier and Orchard, I
2 came to a stop and Officer Sausman exited the vehicle. I could see that we were the
3 first officers to arrive.

4 5. After I parked the car, I followed Officer Sausman into the house. I
5 observed Officer Little on the ground wrestling with a large Asian male, who was later
6 identified as Muio Tran. Officer Sausman went to assist Officer Little, so I went to find
7 Officer Waldorf.

8 6. I found Officer Waldorf in the kitchen, wrestling on the ground with another
9 Asian male, who was later identified as Hoa Tran. There was broken glass on the
10 kitchen floor as well as pots and pans. I noted that all of these items were potential
11 weapons. It was evident that Hoa Tran needed to be subdued to protect not only
12 himself, but my fellow officers as well.

13 7. I tried to assist Officer Waldorf. Hoa Tran continued to struggle and resist.
14 He was actively trying to break out of Officer Waldorf's grasp. I attempted to grab Hoa
15 Tran and to place a handcuff on his wrist. I yelled for him to place his hands behind his
16 back, which he refused to do. He kept trying to break free and to resist my attempts to
17 place handcuffs on him. I warned him that if he continued to resist, I would be forced to
18 spray him with pepper spray. He still continued to struggle, so I did spray him, which
19 had no effect on him. Hoa Tran continued to resist arrest. Ultimately, Officer Waldorf
20 was able to place handcuffs on one of his wrists and we were then able to get his other
21 arm behind his back to attach the second cuff.

22 8. As a result of the struggle, I sustained a scratch and a cut on my left wrist.
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DECLARATION OF TODD C. HARRIS IN
SUPPORT OF SUMMARY JUDGMENT. 2

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STAFFORD FREY COOPER
Professional Corporation

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MAY 23 2002 MR

The Honorable Thomas S. Zilly

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al.,

Defendants.

No. CO1-1081-Z

DECLARATION OF JOHNEY
STEVENS IN SUPPORT OF
SUMMARY JUDGMENT

JOHNEY STEVENS declares as follows:

1 I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein.

2. I am a police officer with the Seattle Police Department and was so on
July 19, 1999.

3. On July 19, 1999, I received a call to impound a vehicle at 5101 South
Orchard Street in Seattle, Washington. When I arrived, there were no other officers or
people there I did not see anyone at all. I wrote out the impound slip and waited until
the vehicle was towed away by Columbia Towing.

DECLARATION OF JOHNEY STEVENS IN
SUPPORT OF SUMMARY JUDGMENT - 1

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ORIGINAL

1 4 I was not involved in the incident underlying this complaint in any way. To
2 my knowledge, I have never met Muio Tran, Kim-Cuc Nguyen, Nhu Huu Tran, or Loan
3 Huu Tran, nor have I had any other contact with them, individually or collectively. Other
4 than what I have heard through the grapevine, I know nothing about the claims they
5 alleged in their complaint.

6 I CERTIFY under penalty of perjury under the laws of Washington State that the
7 foregoing is true and correct.

8 DATED this 5 day of may, 2002.

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11 Johney Stevens
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DECLARATION OF JOHNEY STEVENS IN
SUPPORT OF SUMMARY JUDGMENT - 2

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STAFFORD FREY COOPER
Professional Corporation

ATTORNEYS

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MAY 23 2002 MR

CC TO JUDGE ~~MR~~
The Honorable Thomas S. Zilly

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v

CITY OF SEATTLE, et al.,

Defendants.

No. CO1-1081-Z

DECLARATION OF BRUCE A.
WIND IN SUPPORT OF
SUMMARY JUDGMENT

BRUCE A. WIND declares as follows:

1 I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein.

2. I am a police officer with the Seattle Police Department and was so on
July 19, 1999.

3. On July 19, 1999, I received a call for fast back up. I notified dispatch that
I was on my way to the officers' location 5101 South Orchard Street

DECLARATION OF BRUCE A WIND IN
SUPPORT OF SUMMARY JUDGMENT - 1

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ORIGINAL

STAFFORD FREY COOPER
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1 4. When I arrived, the situation was already under control. Upon entering the
2 residence, I could see that chairs had been overturned and that a window was broken.
3 The household was in a state of disarray.

4 5. I assisted in escorting one of the suspects, who was already handcuffed,
5 to a waiting patrol vehicle for transport. I had no further involvement with the situation
6 underlying this lawsuit. To my knowledge, I have never otherwise met Muio Tran, Kim-
7 Cuc Nguyen, Nhu Huu Tran, or Loan Huu Tran, nor have I had any other contact with
8 them, individually or collectively. I have no additional personal knowledge about this
9 case.

10 6. I believe that I acted reasonably under the facts and circumstances known
11 to me at the time of this incident.

12 I CERTIFY under penalty of perjury under the laws of Washington State that the
13 foregoing is true and correct.

14 DATED this 3RD day of APRIL, 2002.

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16 Bruce A. Wind
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DECLARATION OF BRUCE A. WIND IN
SUPPORT OF SUMMARY JUDGMENT - 2

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STAFFORD FREY COOPER

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The Honorable Thomas S. Zilly

MAY 23 2002 MR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al.,

Defendants

No CO1-1081-Z

DECLARATION OF DOUGLAS A.
KITTS IN SUPPORT OF
SUMMARY JUDGMENT

DOUGLAS A. KITTS declares as follows:

1 I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein

2. I am a police officer with the Puyallup Police Department. Prior to
accepting employment with the Puyallup Police Department, I was a police officer with
the Seattle Police Department I worked for the Seattle Police Department on July 19,
1999.

3 On July 19, 1999, I received a call for fast back up. I was in West Seattle,
and the call was for an address in South Seattle I notified dispatch that I was on my

DECLARATION OF DOUGLAS A. KITTS IN
SUPPORT OF SUMMARY JUDGMENT - 1

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STAFFORD FREY COOPER
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ORIGINAL

1 way to the officers' location at 5101 South Orchard Street. When I arrived, an officer at
2 the scene informed me that my assistance was no longer needed. I never got out of my
3 vehicle. I did not write a statement. I did not even see the people that were arrested.

4 4. I was not involved in the incident underlying this complaint in any way. To
5 my knowledge, I have never met Muio Tran, Kim-Cuc Nguyen, Nhu Huu Tran, or Loan
6 Huu Tran, nor have I had any other contact with them, individually or collectively. Other
7 than what I have heard through the grapevine, I know nothing about this case.

8 I CERTIFY under penalty of perjury under the laws of Washington State that the
9 foregoing is true and correct

10 DATED this 5TH day of APRIL, 2002.

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13 Douglas A. Kitts

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DECLARATION OF DOUGLAS A. KITTS IN
SUPPORT OF SUMMARY JUDGMENT - 2

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